

[REDACTED]

From: Eichenholtz, Eric (Law)
Sent: Tuesday, November 30, 2021 4:21 PM
To: [REDACTED]@law.nyc.gov>; [REDACTED]@law.nyc.gov>
Subject: RE: New Law Agency Panel Users

Of course. Given that all we see on appeal is agency denials, there aren't too many, but there are definitely some. Here is one case the appeals panel approved: 00001452 I can also find a few cases that I approved for you to look at if it helps.

General gist of the fact pattern is employee articulates sincerely held belief, has articulated how they act on that belief outside the COVID context and has properly applied the belief to the COVID vaccination.

From: [REDACTED]@law.nyc.gov>
Sent: Tuesday, November 30, 2021 4:12 PM
To: Eichenholtz, Eric (Law) <eeichenh@law.nyc.gov>; [REDACTED]
[REDACTED]@law.nyc.gov>
Subject: RE: New Law Agency Panel Users

Eric,

I think it would be helpful to have two or three examples of the kind of fact pattern where we *would* grant a religious RA. I'm mostly seeing folks expressing their view that all Covid vaccines contain or were tested using fetal stem cells, and some personal statements saying I've never taken vaccines ever or not since I became an adult (parents vaccinated them, though). My understanding from our conversation is that those would not constitute sincerely held religious beliefs, but what would? I think having a comparator on that end would help me determine which ones fall into the denial category and which ones should be approved.

Perhaps we could discuss at the check-in tomorrow?

[REDACTED]

From: Eichenholtz, Eric (Law) <eeichenh@law.nyc.gov>
Sent: Friday, November 26, 2021 4:03 PM
To: [REDACTED]@law.nyc.gov>
Cc: [REDACTED]@law.nyc.gov>
Subject: RE: New Law Agency Panel Users

Yes those are fine. They are more internal, allowing us to understand the basis of the vote.

From: [REDACTED] <[REDACTED]@law.nyc.gov>
Sent: Friday, November 26, 2021 4:02 PM
To: Eichenholtz, Eric (Law) <eeichenh@law.nyc.gov>
Cc: [REDACTED] <[REDACTED]@law.nyc.gov>
Subject: RE: New Law Agency Panel Users

Hi again- Hopefully this is my last question. I just want to make sure my entries are okay. For a request based on the religion of "dudeism" from the movie the Big Lebowski, I wrote "request is based on personal preference rather than sincerely held religious belief." For a medical request based on breastfeeding, I wrote "breastfeeding is not a recognized contraindication." Are entries like that sufficient?? Do I need to elaborate?

Thanks!

[REDACTED]

From: Eichenholtz, Eric (Law) <eeichenh@law.nyc.gov>
Sent: Friday, November 26, 2021 11:55 AM
To: [REDACTED] <[REDACTED]@law.nyc.gov>
Cc: [REDACTED] <[REDACTED]@law.nyc.gov>
Subject: RE: New Law Agency Panel Users

Here it is (or at least the link to it):

<https://www1.nyc.gov/assets/dcas/downloads/pdf/guidelines/vaccine-reasonable-accommodation-process.pdf>

And here is the EEOC guidance (in Section K): <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>

From: [REDACTED] <[REDACTED]@law.nyc.gov>
Sent: Friday, November 26, 2021 11:53 AM
To: Eichenholtz, Eric (Law) <eeichenh@law.nyc.gov>
Cc: [REDACTED] <[REDACTED]@law.nyc.gov>
Subject: RE: New Law Agency Panel Users

Also when we spoke the other day, I believe you said there was a list of conditions that would justify a medical exemption. Can you send us that list? Thanks!

From: Eichenholtz, Eric (Law) <eeichenh@law.nyc.gov>
Sent: Friday, November 26, 2021 11:46 AM
To: [REDACTED] <[REDACTED]@law.nyc.gov>
Cc: [REDACTED] <[REDACTED]@law.nyc.gov>

Subject: RE: New Law Agency Panel Users

Correct. Approve is approve RA, Reject is reject RA.

From: [REDACTED] <[REDACTED]@law.nyc.gov>

Sent: Friday, November 26, 2021 11:40 AM

To: Eichenholtz, Eric (Law) <eeichenh@law.nyc.gov>

Cc: [REDACTED] <[REDACTED]@law.nyc.gov>

Subject: RE: New Law Agency Panel Users

Hi Eric- I'm all set up in the system. I just want to confirm that we vote approve only if we think the employee should get an exemption? We are voting on the appeal, right, not the agency decision? In appeals, if the lower court decision was correct, it is affirmed. But here we don't vote approve if we think the agency decision is correct. We vote reject, right? I'm sure I'm over thinking this—sorry!

From: Eichenholtz, Eric (Law) <eeichenh@law.nyc.gov>

Sent: Wednesday, November 24, 2021 11:03 AM

To: Gibson, Charlie (MTXB2B) <charlie.gibson@mtxb2b.com>; Bezman, Steven

<sbezman@doitt.nyc.gov>; Singh, Amrit <amsingh@doitt.nyc.gov>

Cc: [REDACTED] <[REDACTED]@law.nyc.gov>; [REDACTED] <[REDACTED]@law.nyc.gov>

Subject: New Law Agency Panel Users

Hi all,

Please add [REDACTED] and [REDACTED] as agency panel users for Law. Thanks!
([REDACTED] is in today but [REDACTED] is out today but will be in Friday).

Eric Eichenholtz (he/him/his)
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